

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3160 OF 2015**

Shyam @ Ghanshyam Rathore S/o Bhuvan Singh Rathore aged about 19 years R/o village Amarpur Police Station Pendra Civil and Revenue District Bilaspur (C.G.)

---Applicant

Versus

The State of Chhattisgarh, Through the Station House Officer Police Station Gaurela Civil and Revenue District Bilaspur (C.G.)

---Non-applicant

For Applicant	:	Mr. Ashok Kumar Soni, Advocate
For Non-applicant	:	Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 90/2015, registered at Police Station Gaurela, District Bilaspur, for the offence punishable under Sections 363, 366(A), 376, 34 of IPC & Section 4 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(5) of SC/ST Act.

2. Case of the prosecution, in brief, is that, present applicant and other co-accused person are said to have kidnapped the prosecutrix on 02/05/2015 and committed sexual intercourse with her.

3. Learned counsel for the applicant would submit that applicant neither abducted nor committed sexual intercourse with prosecutrix and only allegation that he has given lift to the prosecutrix and co-accused on a particular day in his motorcycle. He would further submit that charge sheet

has been filed and applicant is in jail since 06/04/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State also verify the same and submits that no allegation of rape against the applicant.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant in offence in question and pretrial detention of the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE